

REMARKS

I. Claim Objections

Claims 9-10 and claims 14-17 were objected to by the Examiner because of the following informalities:

Regarding claims 9-10, the Examiner asserted that on the first line the word "value" apparently should be changed to -- valve -- . The Applicant notes that claim 9-10 has been cancelled by amendment as indicated herein, rendering the Examiner's objection to claims 9-10 moot.

The Examiner also submitted that claims 14-17 depend on cancelled claim 13. The Examiner indicated that appropriate correction is required. The Applicant has therefore amended claims 14-17 such that these claims now depend properly from claim 12 instead of the canceled claim 13.

II. Claim Rejections Under 35 U.S.C. § 102

Requirements for *Prima Facie* Anticipation

A general definition of *prima facie* unpatentability is provided at 37 C.F.R.

§1.56(b)(2)(ii):

A *prima facie* case of unpatentability is established when the information *compels a conclusion* that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (*emphasis added*)

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*,

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721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundscriber Corp. v. United States*, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)), *cert. denied*, 469 U.S. 851 (1984). Thus, to anticipate the applicants' claims, the reference cited by the Examiner (i.e., Calder et al) must disclose each element recited therein. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

To overcome the anticipation rejection, the applicants need only demonstrate that not all elements of a *prima facie* case of anticipation have been met, i.e., show that the cited reference fails to disclose every element in each of the applicants' claims. "If the examination at the initial state does not produce a prima face case of unpatentability, then without more the applicant is entitled to grant of the patent."

Boyer

The Examiner rejected claims 1-7 and 21-23 under 35 USC 102(e) as being anticipated by Boyer, U.S. Patent No. 5,257,547.

With respect to claim 1, the Examiner argued that Boyer discloses an amplified pressure sensor with features of the claimed invention including a carrier (element 30) having a central aperture (element 96) for receiving fluid from a vessel, a sense die (element 32) mounted on the carrier, the sense die having a first side (lower side) positioned to interact with the fluid received from the vessel, a pressure-sensing circuitry (element 150) formed on a second side (upper side 102) of the sense die not exposed to the fluid, and a non-metal covering (element 34) having a containment area for accommodation of the die and the circuit, and confining the fluid from entering the housing.

With respect to claim 2, the Examiner argued that the carrier prevents the fluid from entering the containment area.

With respect to claim 3, the Examiner argued that the cross-sectional area of the aperture properly matches the sense die area.

With respect to claims 4-6, the Examiner argued that Boyer teaches the use of gel (elements 140 and 142) to form a proper bonding.

With respect to claim 7, the Examiner argued that the hermetically sealed covering is well capable of allowing pressure fluctuation.

With respect to claims 21-23, the Examiner argued that Boyer shows a ceramic board and conductive paths (referring to claims 3 or 5 of Boyer).

The Applicant notes that claims 1-7 and 21-23 have been cancelled by amendment as indicated herein, therefore rendering the Examiner's rejection to claims 1-7 and 21-23 moot.

III. Allowable Claims

The Examiner indicated that claims 11-12 and 17-20 are allowed over the prior art because of the provision of the first and second layers. The Applicant notes that claim 13 was previously cancelled and that claims 14, 15, and 16 have been amended herein such that these claims now depend properly from claim 12. As such, because claim 12 is an allowable claim, claims 14, 15, and 16 should also be allowed. The Applicant therefore respectfully requests allowance of claims 11-12, 14-16 and 17-20.

IV. Conclusion

The Applicants have amended the claims to more particularly disclose the invention claimed thereof. It is believed that such amendments do not constitute new matter, but are rather clarifying in nature. Additionally, it is believed that support for such amendments is provided within the specification, including the drawings and claims, and that the specification adequately enables such amendments.

In view of the foregoing discussion, the Applicants have responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be Issued. If a telephone conference would be of assistance in advancing the prosecution of this application, the Examiner is invited to call the Applicant's attorney at the below-indicated telephone number.

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Respectfully submitted,



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